IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 217 of 2002

For Approval and Signature:

Hon'ble MR.JUSTICE D.K.TRIVEDI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

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RAJKOT MUNICIPAL CORPORATION

Versus

PIONEER FLOAT GLASS (PVT.) LTD

Appearance:

1. Civil Revision Application No. 217 of 2002

MR AK CLERK for Petitioner No. 1-3

MR RE VARIAVA for Respondent No. 1

CORAM : MR.JUSTICE D.K.TRIVEDI

Date of decision: 08/05/2002

ORAL JUDGEMENT

1. Heard learned advocates for the parties. By consent rule is fixed forthwith.

2. The trial court has passed an order dated 18.12.2001 below Applications Exh.12 and Exh.13 for

releasing the goods on certain conditions. Against the said order, the Rajkot Municipal Corporation has preferred C.R.A.No.1492/2001 which has been allowed by judgment and order dated 22.1.2002. M.C.A.No.221/2002 for review is also rejected by order dated 26.4.2002.

3. Since the prayer in Application Exh.5 is also for releasing the goods, the question of hearing application Exh.5 does not arise.

4. Considering the submission and on going through the order, Civil Revision Application is allowed and it is directed that the judgment and order dated 22.1.2002 passed by this court in C.R.A.No.1492/2001 will operate as interim order pending the Civil Suit No.1714/2001. In view of the said judgment and order dated 22.1.2002 in C.R.A.No.1492/2001, the question of taking up application Exh.5 for hearing would not arise. Rule is made absolute accordingly. However,there will be no order as to costs.

The Suit is ordered to be expedited.

Writ to issue forthwith to the trial court.

(D.K.Trivedi,J)

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